EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Maritime Legislation – Additional Policy Decisions

Paper No: 24/15

Date: 25th March 2015

Report of: Head of Policy / Marine Officer / Oil and Gas Programme Manager

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1.0 Purpose

1.1 To seek decisions on the developing policy issues as the Maritime Legislation is updated as per ExCo 24/14

2.0 Recommendations

Executive Council is recommended to:

2.1 Approve the following policy decisions to allow the continued update to Maritime Legislation on the Islands:

Key Decisions - Maritime Authority and Harbour Authority: That the legislation allows for one of the following options:	***Officials Recommendation***
Creation and Introduction of a Maritime Authority	That the legislation mandates the creation of an internal to FIG Joint Maritime and Harbour Authority in the first instance, ~~with a view to this separating at some point in the future.~~[1]
Creation and Introduction of a Harbour Authority	
Creation and Introduction of a Joint Maritime and Harbour Authority	
Additional Issues for Decision:	
Pilotage	That the legislation reflects the recommendation for a risk based pilotage scheme ~~which will be operated through a centrally held Pilots Register~~
Dredging	Agree to the development of the Maritime and Harbours Ordinance to deal with the issue of dredging ~~and that this legislation should look to take into account the following options:~~

[1] ExCo amendments highlighted in red

	• ~~Zoning~~ • ~~Regulation and enforcement~~ • ~~Licensing and fee structures~~
The use of International Convention on the Arrest of Ships 1999	Approve the preference for officers to incorporate the International Convention on Arrest of Ships 1999 into the Maritime and Harbours Ordinance
Inclusion of International Conventions and Repealing UK legislation to back up position	Note the list of International Conventions to be included in the project; either by incorporating into the Bill, the use of subordinate regulations or the use of additional discrete primary legislation

General ongoing principles of policy and legislative development	Agree in principle to officials developing the legislation through to completion from this point and they have the authority from ExCo to take any further policy decisions, in consultation with the portfolio holder[1], that do not fundamentally shift the ultimate aim of bringing in a piece of legislation that • Adopts and implements appropriate international regulatory frameworks • Seeks to safeguard and facilitate the national interest

2.2 Approve the development of a detailed action plan setting out the steps leading to the implementation of the ordinance together with any relevant options with outline costings – see para 4.3 to 4.6. to include[1]:

2.2.1 Resolution of short term capacity / recruitment of a Deputy Marine Officer
2.2.2 How policy decisions taken today will look in terms of structures and organisational responsibilities going forward
2.2.3 How we build upon existing relationships such as MCA / DfT
2.2.4 How we intend to consult with industry

2.3 ExCo recommend to budget select committee £50,000 additional funding to support this work from 2015/16 onwards

Responsible person: Marine Officer and Legislative Drafter

[1] ExCo amendments highlighted in red

Key Milestones:	When:
ExCo Meet to discuss Paper 24/15 – Policy Decisions	25th March 2015
Incorporate ExCo decisions into draft legislation	26th March to Mid-July
Detailed Action Plan – developed	26th March to End June
Draft Maritime and Harbours Ordinance presented to ExCo for approval	End July 2015
Formal Consultation and post consultation drafting	August to November 2015
Final approval of Ordinance	End of November 2015

3 Additional Budgetary Implications

	2015/16	2016/17	Annual Recurring
Operating Budget	£200,000	£200,000	£200,000

This interpretation is showing the worst case scenario of no savings from end of existing FIPASS management contract and additional resources at £200k over the long term. Whilst this is at this point indicative, more detail will be provided as part of the development of the Action Plan (see Para 4.3 to 4.6 for details).

4 Background

4.1 In February 2014 (ExCo 24/14) following a review of maritime policy and law by Fisher Associates, ExCo agreed a policy framework for new and updated legislation to be drafted. It was the intention that the new legislative framework should also seek to do the following:

4.1.1 Adopt and implement appropriate international regulatory frameworks
4.1.2 Seek to safeguard and facilitate the national interest

It will do this by

4.1.3 Creating a single Maritime Ordinance
4.1.4 In principle, creating a Maritime Authority to administer the Ordinance
4.1.5 Updating ship registration processes and rules
4.1.6 Instigating a programme of inspection of foreign flagged vessels, with appropriate powers to detain where necessary
4.1.7 Adopting the UK Small Commercial Vessel Code and associated regulations to ensure safety of such vessels and their passengers
4.1.8 Regulation of pollution from ships, waste and ballast discharge from vessels and safety and security of ports
4.1.9 Introducing a Harbour Authority.

4.2 In the intervening period, work has progressed on a draft Maritime Bill, which has highlighted the need for further policy detail/instructions. Therefore

further policy approvals are required in order to progress the development of the Single Maritime Ordinance, the following specific areas require additional consideration and decision, please refer to the following paragraphs:

Information Section:	***Paragraphs***
Development of a detailed Action Plan	4.3 to 4.6
The differences between a Maritime Authority and a Harbour Authority	4.7 to 4.9
Potential options around Maritime and Harbour Authorities	4.10 to 4.15
Present arrangements	4.16 to 4.22
Key Decisions - Maritime Authority and Harbour Authority:	***Paragraphs***
Creation and Introduction of a Maritime Authority	4.23 to 4.27
Creation and Introduction of a Harbour Authority	4.28 to 4.32
Creation and Introduction of a Joint Maritime and Harbour Authority	4.33 to 4.40
Additional Issues for Decision:	***Paragraphs***
Pilotage	4.41 to 4.46
Dredging	4.47 to 4.55
The use of International Convention on the Arrest of Ships 1999	4.56 to 4.62
Inclusion of International Conventions and Repealing UK legislation to back up position	4.63 to 4.73
General ongoing principles of policy and legislative development	4.74 to 4.76

Development of a detailed Action Plan:

4.3 The following paper explores as much detail as possible at this point to clarify the position in order to continue the development of the Maritime and Harbours Bill. There are clearly a series of decision where further detail will be required to ensure that once the Bill is in place, the appropriate structures are also in place to deliver it.

4.4 Officers are therefore developing a detailed action plan that will be a fully formed roadmap to the creation and implementation of the Maritime Ordinance, if passed. It will include the following long term actions:

4.4.1 Possible Structures for delivery and their costs
4.4.2 Exploring the current contractual positions and where there is scope to work with existing partners – sharing resources
4.4.3 Potential income generation opportunities to help mitigate additional costs
4.4.4 An overall delivery plan for the implementation of the Maritime and Harbours Ordinance

4.5 It is envisaged that this Action Plan will be put together over the next 12 weeks in order for it to come back to ExCo.

4.6 ExCo should be reassured that the final implementation of the ordinance and the roll out of any structures will not happen until the Action Plan has been agreed. Decisions made in this ExCo paper allow the development of the legislation to continue at the appropriate pace.

The differences between a Maritime Authority and a Harbour Authority – for information only

4.7 Before entering into the areas for decision and to ensure clarity of what a decision is being requested on, it may be beneficial to lay out the differences between a Maritime Authority and a Harbour (sometimes referred to as Port) Authority.

4.8 A **Maritime Authority** is in essence an organisation through which any legislation on marine matters is implemented. It is envisaged that any Falkland Islands Maritime Authority would, working within the Maritime Ordinance, produce guidance on maritime matters. This would also include but not necessarily be limited to:

- 4.8.1 Ensuring that the relevant standards related to all aspects of shipping are complied with by registered vessels under its jurisdiction; Currently undertaken by UK MCA
- 4.8.2 Monitoring and taking steps to ensure compliance with relevant international conventions; Currently undertaken by UK MCA
- 4.8.3 Formulating policies relevant to the maritime sector.
- 4.8.4 Managing the registration of ships
- 4.8.5 Develop a coordinated and agreed approach (between FIG and MCA) which would see a phased hand over of responsibility for surveys and certification

4.9 A **Harbour (sometimes referred to as Port) Authority** deals strictly with the operational aspects of a port. It therefore has to work within the legislation of Government and the policies and guidance of the Maritime Authority. This would also include but not necessarily be limited to:

- 4.9.1 Ensuring availability of port facilities to users
- 4.9.2 Maintenance of the physical infrastructure
- 4.9.3 Provision of services (e.g. pilotage and vessel traffic services) that enable efficient and effective use of facilities by shipping interests
- 4.9.4 Setting standards, ensuring the safety of navigation, safety assessment and management, emergency planning and controlling dangerous substances

Options for a Maritime Authority and a Harbour Authority:

4.10 It can be seen throughout this paper that FIG, through various separate directorates, currently carries out the majority of the activities of these two separate bodies. Over the course of this ExCo paper a series of recommendations will be made about the options to setting up the appropriate mechanism in order to fulfil the various functions laid out above and throughout this document and perhaps more importantly how the Falkland Islands can fulfil its international obligations as a flag and coastal state. These are:

- 4.10.1 Do nothing approach – stay as we are
- 4.10.2 An internal mechanism – delivering this with internal staffing and structures within FIG
- 4.10.3 Creation of an internal mechanism with a view to creating a separate statutory body in the future
- 4.10.4 Creation of a statutory body from the outset

4.11 As discussed in paragraphs 4.16 - 422 as all of these functions are currently carried out, or contracts administered, through FIG departments and through an MoU with the UK MCA, consideration should be given to starting from a position of familiarity, both for potential internal reasons such as staffing issues and steady incremental development versus major wholesale change, but also external stakeholders satisfaction that a steady considered approach is being taken, so having a more formalised internal set up that gives greater clarity and certainty to all stakeholders and those delivering services of their roles and responsibilities. Therefore throughout the options for the Maritime and Harbour Authorities an internal mechanism is discussed.

4.12 Adding to this, with a longer term view, the option to deliver this type of activity internally to begin with, then with the option of moving toward an arm's length statutory body at some point in the future is discussed as is the creation of a statutory body from the outset.

4.13 As a note on a statutory body – this approach has been utilised recently in the setting up of the new Falkland Islands Tourism Board and FIDC:

Statutory bodies are public enterprises brought into existence by a piece of legislation. The legislation defines its powers and functions, rules and regulations governing its employees and its relationship with government departments.

This is a corporate body created by a legislature with defined powers and functions and is financially independent with a clear control over a specified area or a particular type of commercial activity. It is a corporate person and has the capacity of acting in its own name. Statutory corporations therefore have the power of the government and considerable amount of operating flexibility of private enterprises

4.14 Finally although throughout this paper so far discussion has been around the creation of a Maritime Authority and a Harbour Authority, there is also the option to create a single entity, a Maritime and Harbour Authority, either internally or externally, that delivers upon both of these roles.

4.15 Careful consideration should be given to how this is administered, as certain roles may conflict, however there is clear benefit to having all of this activity under one umbrella. It will require key positions within the new set up to perhaps hold a number of offices, similar in many ways to the current situation, but in a more formalised manner.

Present arrangements:

4.16 The current set up for maritime and harbour matters is through the Department of Natural Resources, the office comprises of the following posts:

- 4.16.1 Marine Officer
- 4.16.2 Assistant Marine Officer – currently vacant

4.17 As well as the roles identified as part of the Flag State and Coastal State functions at Para 4.24 and the legislative burden generated by this the Marine Officer is currently responsible, solely in the absence of an assistant for the following:

- 4.17.1 Head of Service – Fisheries Enforcement – operational management for:
  - 4.17.1.1 5 Fisheries Officers
  - 4.17.1.2 Fisheries Enforcement – Protegat and aircraft
  - 4.17.1.3 Fisheries Enforcement – bringing legal action
  - 4.17.1.4 FISHOPS room – acting as a quasi-Coastguard and Harbour Control operations room, including coordinating operations in Search and Rescue.
- 4.17.2 FIPASS management and oversight – including:
  - 4.17.2.1 Overseeing FIPASS Management Contract
  - 4.17.2.2 Managing Capital Works Programme - £1 million per year for the next 5 years.

4.18 There is amongst this a series of duplication of effort and workload, particularly in relation to the day to day operation of FIPASS. The majority of this duplication is happening in different organisations, not within a shared resource so there is an inability to share the workload around. Therefore it has to be said that the bulk of this activity is being carried out by a sole person and there just isn't enough capacity to do everything, therefore important work is not being carried out. This is our main aim in setting out these proposals, to build in the required capacity in order to deliver upon our international obligations and create an environment where the activities can be carried out by the most appropriate person or organisation, regardless of boundaries.

4.19 It has been a long term aim of this Assembly to address these issues, in line with its commitment in the Islands Plan to implement new legislation around a maritime safety regime.

4.20 This message was reinforced by the work carried out by Fisher Associates:

"If FIG does not implement these policies however, it will be trying to oversee a modern offshore sector, with a maritime regulatory framework that is not fit for purpose. Should / when the time comes that such powers / structures are needed, but not available, there is a serious risk to the environment, the economy, and reputation. Furthermore should FIG pass regulations ***without*** *creating the institutional capacity, the outcome may be the same." (Fisher Associates – Interim Report – Marine Related Policy and Legislation, P10)*

4.21 This issue has been raised up the political agenda most recently by the communication between the Chief Executive of the Maritime and Coastguard Agency, Sir Alan Massey and His Excellency The Governor. This communication makes reference to all overseas territories being subject to conditions of the 'IMO Instruments Implementation Code' and therefore will be audited in line with said code. A copy of the code is attached at Appendix 1, however specific reference to the following 2 paragraphs perhaps highlights some of the concerns of the MCA:

"*The UK Department for Transport remains in discussion with the IMO Secretariat to determine whether the UK and the OTs/CDs will be required to undergo one combined audit or whether separate audits of each territory will be required, in either event, it is anticipated that the IMO will wish to conduct an audit of your territory (as an Administration) against the responsibilities and functions which have been devolved to it by the UK. It is anticipated that such an audit will occur between 2016 and 2018 and again it should be reiterated that this audit is mandatory; the UK Flag State cannot refuse the audit and only has a limited ability to negotiate the timing."*

"To Conclude I would strongly urge you to consider the implications of the III Code and in consultation with your territory's Government, develop or ensure that there is an overall strategy to determine how the territory meets its international obligations and responsibilities as a flag, port and coastal state……..It would be helpful to the overall UK strategy if conclusions on your territory's ability and timescale for meeting the III Code requirements could be advised at the earliest opportunity"

4.22 This paper seeks to address the policy decisions required in order to progress the regulatory framework and the institutional capacity issues as identified above and to progress the work and decisions made in ExCo 24/14.

Creation and Introduction of a Maritime Authority:

4.23 As previously laid out in ExCo 24/14. The creation of a Maritime Authority with a scope to administer the Maritime Ordinance is the preferred option. In

order to progress this element of the legislation, further policy decisions are required.

4.24 A Maritime Authority would carry out a series of functions in relation to the maritime environment and would also fulfil the functions of the Falkland Islands as a Coastal and Flag State. Many of these functions are currently carried out by existing post holders, see the following table:

Coastal State Functions		
Role / Title	**Type**	**Currently provided by:**
Admiralty Marshal (& Deputy)	Formal role by appointment	Collector of Customs and Marine Officer
Receiver of Wreck	Formal role by appointment	Collector of Customs
Incident Commander, National Oil Spill Contingency Plan (overlap with harbour roles)		Marine Officer / Harbour Master
Authority on use of dispersant (overlap with Mineral Resources)		Marine Officer / Harbour Master
Equivalent of Coastguard – in conjunction with JOC		Fisheries Officers (provided by on call basis only out of office hours, overseen by Marine Officer
Aids to Navigation	(Formal obligations)	Maintenance carried out by Fisheries Officers; provision and maintenance overseen by Marine Officer
Inspector, Health and Safety at Work etc. Act & Offshore Minerals Ordinance	Formal role by Appointment	Marine Officer
Authority for processing diving licences		Marine Officer
Authority for dumping at sea (FEPA)		Marine Officer (in association with EPD, Falklands Conservation, SMSG)
GOVREP	*Head of Coastguard Equivalent (SOSREP in UK)*	*Additional Role – currently envisaged to be added to Marine Officer responsibility*
Flag State Functions		
Registrar of Ships	Formal role by appointment	Collector of Customs
Flag state representative to Red Ensign Group / UK in relation to Falkland's merchant and fishing fleets – standards, policy and regulation.		Marine Officer
Issuing Authority for Ship Station Radio Licences		Marine Officer
Flag State Surveyor	Monitoring and overseeing FI flagged fleet.	Current policy is to rely on UK MCA through an MoU to carry out surveys on behalf of FIG. Owner / operators contract directly with MCA for this service.
Port State Control Inspector		*Additional Role – currently envisaged to be added to Assistant Marine Officer responsibility*
Flag State Investigations	*Investigations into marine accidents*	*Currently under MoU with MAIB in the UK. Local*

		independent and impartial appointment also required

4.25 It is worth noting at this point some of the current functions that are expected of the Falkland Islands as a Flag and Coastal State, such as those laid out below, are currently not being fully met for reasons such as lack of a formal policy and / or lack of clarity and/or resources – as identified at para 4.16 – 4.22 above:

4.25.1 Being able to demonstrate that we have a fully developed set of legislation, guidance and procedures in place for the consistent implementation and verification of the rights, obligations and responsibilities contained in the relevant international instruments to which the Falklands is party including search and rescue services, ship routeing , ship reporting systems and vessel traffic services and for aids to navigation.

4.25.2 We as a flag state are expected to have the capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure.

4.25.3 There is also an expectation by the IMO to have sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.

4.26 There are currently a series of options for the development of a Maritime Authority within the Falkland Islands, in order for the legislation to reflect the most appropriate position for the Islands these options are explored further:

4.26.1 Develop an internal mechanism – the creation of an internal department within FIG that undertakes the roles and responsibilities above and keeps those functions as a part of the Government

4.26.2 Develop an internal mechanism that can be separated at a later date – this approach would be broadly similar to the option above – however flexibility would be available to be able to float off the internal department to a separate statutory entity at a future date, perhaps when certain trigger points have been met

4.26.3 Create a separate body at the outset. Creating a separate statutory body that is responsible for all of the above functions and reports back to FIG.

4.27 There are a series of advantages and disadvantages for all of these options, these have been laid out below:

Details – Status quo – do nothing option

Advantages:	**Disadvantages:**
• No additional cost – as everything stays the same	• Reduced capacity to deliver against the requirement stated above • Could lead to a failure to effectively control and regulate maritime activities • This approach goes against MCA recommendations • Goes against requirement of the IMO Instrument Implementation Code • Goes against the Islands Plan commitment to set up a new maritime safety regime • Reputational issue – will the industry believe government takes this seriously if we remain static.

Details – Creation of an internal mechanism	
Advantages:	**Disadvantages:**
• Starts to deliver the recommendations of the MCA, IMO and the stated objective within the Islands Plan • May come at a reduced cost compared to other options • Allows FIG to give consideration to charging for services provided, such as pilotage and Flag State Control and Inspections (currently provided by MCA at a cost to operators)	• Could lead to potential conflicts between elected officials and officers – in terms of statutory duties and political priorities not necessarily aligning • May add strain to existing corporate structures if not implemented appropriately

Details – Creation of an internal mechanism with a view to creating a separate statutory body in the future	
Advantages:	**Disadvantages:**
• As per creation of an internal mechanism, with the added: • Leaves options open in the future in case we want to do something different • Allows the legislation to bed in prior to creating a new body to deliver it	• As per creation of an internal mechanism • This route may lead to a decision to leave them as an internal mechanism into perpetuity, which is not advisable, this route should only be taken if separation is envisaged at a later date as it may not necessarily demonstrate full commitment

Details – Creation of a statutory body	
Advantages:	**Disadvantages:**
• Has the potential to fulfil all the	• In the early years will require additional

requirements of the MCA recommendations, IMO Instrument Implementation Code and the Islands Plan • Will be a corporate body with responsibility to deliver the functions laid out above that can be held to account by government and the industry, therefore providing clearer lines of accountability • Will operate in a way that allows more cost recovery for services provided therefore reducing the potential draw down public funds	funding to pump prime the service provision expected. • Overall cost of the Authority will be higher than existing – this will be balanced by cost recovery. • Has the potential to create duplication of effort between the Harbour and Maritime authorities

Creation and Introduction of a Harbour Authority

4.28 In a similar vein to the creation of a Maritime Authority, the creation of a Harbour Authority has been identified as a key development under the legislation and requires a similar thought process.

4.29 A Harbour Authority would carry out a series of functions in relation to the operations within the Stanley Harbour and other currently designated harbours at first, additional harbour boundaries and harbour authorities could be set up in the future, depending on needs and requirements at the time, for example the growing diverse needs of the Oil & Gas sector.

4.30 Many of the functions of a Harbour Authority are currently carried out by existing post holders or through existing contracts, see the following table:

Harbours		
Role / Title	**Type**	**Currently provided by:**
Harbour Master	Formal role by appointment	Marine Officer / Harbour Master
Pilot	Provided by private sector only	3rd Party
Administration and Fees – Harbour Dues		Customs & Immigration Dept on behalf of Fisheries
Administration and Fees – FIPASS		FIPASS Management
Harbour Control		Fisheries Officers (Office hours only) *to be phased in to 24 hour cover by FIPASS staff during 2015*
Harbour movements – entry and exit reports	Contract	FISHOPS (office hours only) and out of hours reports taken by SURE.
FIPASS – management		FIPASS management under contract; overseen by Marine Officer
FIPASS – capital maintenance program		Overseen by Marine Officer
Other infrastructure		PWD / Tourist Board / EPD
FIPASS – waste		FIPASS Management Contract and Marine Officer. Also links with Biosecurity officer.

Maritime Security – Port Facility Security Officer	Role by appointment	Harbour Master / Marine Officer
Maritime Security	Contract	Falklands Security Services
Harbour Launch provision	Rolling contract	FIC & Sulivan Shipping
Tug Boat Provision	*None in place as yet*	*Potential Future Function*

4.31 There are a series of options regarding the set up and operation of a Harbour Authority, much along the same lines as setting up and operating a Maritime Authority. These options are:

4.31.1 Develop an internal mechanism – the creation of an internal department within FIG that undertakes the roles and responsibilities above and keeps those functions as a part of the Government

4.31.2 Develop an internal mechanism that can be separated at a later date – this approach would be broadly similar to the option above – however flexibility would be available to be able to float off the internal department to a separate statutory entity at a future date, perhaps when certain trigger points have been met

4.31.3 Create a separate body at the outset. Creating a separate statutory body that is responsible for all of the above functions and reports back to FIG.

4.32 There are a series of advantages and disadvantages for all of these options, these have been laid out below:

Details – Status quo – do nothing option	
Advantages: • Little cost • No change to organisational structures	**Disadvantages:** • Reputational issue – will the industry believe government takes this seriously if we remain static. • Goes against advice given by Fishers Associates and Pinsent Masons in their reviews of operations and legislation • Maintains relatively high risk to government • Reduces opportunities to access external finance

Details – Creation of an internal mechanism	
Advantages: • Starts to deliver the recommendations of the Pinsent Masons and Fisher Associates reports • May come at a reduced cost compared to other options	**Disadvantages:** • Could lead to potential conflicts between elected officials and officers – in terms of statutory duties and political priorities not necessarily aligning • May add strain to existing corporate structures if not implemented

•	appropriately

Details – Creation of an internal mechanism with a view to creating a separate statutory body in the future	
Advantages: • As per creation of an internal mechanism, with the added: • Leaves things open in the future in case we want to do something different • Allows the legislation to bed in prior to creating a new body to deliver the harbour operations aspects of it	**Disadvantages:** • May add strain to existing corporate structures if not implemented appropriately • This route may lead to a decision to leave them as an internal mechanism into perpetuity, which is not advisable, this route should only be taken if separation is envisaged at a later date as it may not necessarily demonstrate full commitment

Details – Creation of a separate entity	
Advantages: • Has the potential to fulfil all the recommendations of the Pinsent Masons and Fisher reports • Will be a corporate body with responsibility to deliver the functions laid out above that can be held to account by government and the industry, therefore providing clearer lines of accountability • Will operate on a commercial footing, therefore significantly reducing the cost to government and the exposure to risk. • Could in the very long term look to bring activities, such as FIPASS management, into the authority – therefore reducing costs even more significantly	**Disadvantages:** • In the early years may require additional funding to pump prime the service provision expected. • Overall cost of the Authority will be higher than existing – this would be expected to be balanced by cost recovery. • Has the potential to create duplication of effort between the Harbour and Maritime authorities

Creation and Introduction of a Joint Maritime and Harbour Authority

4.33 As previously discussed, the option to create a joint Maritime and Harbour Authority has advantages, these will be explored in the following section:

Details – Creation of a joint Maritime and Harbour Authority (internally or externally	
Advantages: • Enhances the potential for efficient and convenient governmental	**Disadvantages:** • Potential for notional distinctiveness between the roles of each authority to be

oversight, which will be vital in the initial stages • Facilitates sharing of resources which will contain administrative costs while income levels are low initially • Will likely be appropriate to the needs of the Islands in the early stages since the present specifications of the shipping industry may render initial separation of these entities unnecessary	lost, resulting in blurred lines that may later be difficult to re-establish • Possibility of too convenient an alignment of policies and operating procedures between the two notionally distinct functions, whereas the reality that each function serves and is therefore the client of the other is vital in keeping both functions accountable for high standards of service delivery and is consequently an immensely valuable informal regulatory tool • Might influence a decision to leave them as a single entity into perpetuity, which is not advisable

4.34 Ultimately the potential costs of the three options of a Maritime Authority, A Harbour Authority and a Joint Maritime and Harbour Authority will have an influence on which of these options is favoured.

4.35 Officers have compiled the indicative salary cost comparison table to enable Members to see the variety of potential options laid out in 5.2.

4.36 As the financial implications show, there is believed to be significant variation between the different options identified. The current costs are a basic calculation, reflecting the current set up of a Marine Officer, and Assistant Marine Officer and an external contract for FIPASS. These options will be explored in more detail through the development of the action plan and options analysis.

4.37 Officers recommend a Joint Maritime and Harbour Authority for the Islands as the most appropriate way forward and for the creation of an internal FIG body to be provisioned for with the legislation being drafted. If it were decided at a later date to move to a statutory body, this would be dealt with under separate legislation and or regulations. This would be for the following reasons:

4.37.1 Has the potential to fulfil all the requirements of the MCA recommendations, IMO Instrument Implementation Code and the Islands Plan

4.37.2 Will operate in a way that allows more cost recovery for services provided therefore reducing the potential draw down of public funds

4.37.3 Upon separation this organisation will be a corporate body with responsibility to deliver the functions laid out and can be held to account by government and the industry, therefore providing clearer lines of accountability

4.37.4 This would be an internal part of FIG to start with and to bed in with some form of managed handover to an

external statutory body over a pre-agreed period of time or when certain trigger points were reached

4.38 The additional costs would have to be borne by FIG, it would be unlikely that these would be from day one, more of an incremental rise as the organisation, whether it is an internal to FIG or external body, would have to recruit and take over responsibilities gradually in some sort of managed handover process.

4.39 Within all of this there would be the scope to start to consider income generation opportunities from activities such as pilotage, surveys, dredging licences etc, all areas where there is currently little or no claw back of costs incurred. Some as identified elsewhere in this paper will also provide a better service to operators who are based or have shipping activities within the Falkland Islands.

4.40 It is clear that there is a great deal of further work to do in order to move to this position, however giving this clear steer at this stage can allow forward planning to begin and sends a clear message to the various interested parties on the future developments for the legislation within the Islands and our ambition to deliver the appropriate level of buy in to the need for Maritime oversight in line with the rest of the world.

Pilotage:

4.41 Within the role of the Harbour Authority, there is a distinct element regarding Pilotage, or the provision of pilotage services, this has been defined as:

*A **pilot** is a mariner who manoeuvres ships through dangerous or congested waters, such as harbours or river mouths, and completes the berthing / un-berthing operation of the ships by controlling the ship's manoeuvrability directly and the tugs and shore linesmen.*

4.42 It is proposed in the development of the new Maritime Ordinance that this issue be dealt with in one of the following ways:

4.42.1 Continue with the existing provision - a non regulated third party providing services directly to industry, based primarily on personal experience with little or no regulation.

4.42.2 Create a register of suitably qualified pilots for Stanley Harbour – this could also include some form of testing / examination regime and the issuing of instructions and directives on the operation within the Harbour area.

4.42.3 Develop internal pilotage capacity to deliver this function on a cost recovery model – this could involve both in house staff and contract provision through third parties so not detracting from the private sector but adding flexibility to the current operation.

4.43 There are a series of advantages and disadvantages for all of these options, these have been laid out below:

Details – Status quo – do nothing option	
Advantages:	**Disadvantages:**
• No additional work / role for government	• No reduction of risk

Details – Creation of a register of Pilots	
Advantages:	**Disadvantages:**
• Gives industry confidence that pilots are up to standard • Starts to reduce risk of accidents within Stanley Harbour • Could provide a nominal income generation opportunity for either FIG, if internal, or the Harbour Authority if externalised, through fees charged for entry onto the register. • Gives another career option to young Falkland Islanders	• Additional resources will need to be put to create, maintain and monitor the register and activity that falls within it if delivered under existing structure

Details – Creation of a register and internal capacity	
Advantages:	**Disadvantages:**
• A qualified pilot could also be within the role of the Assistant Marine Officer • Could be an income generation opportunity for either FIG, if internal, or the Harbour Authority if externalised, through fees charged for the pilot. • Gives another career option to young Falkland Islanders	• As per creation of a register and; • May increase strain on existing resources – however this should be balanced against increased income generation.

4.44 Alongside the determination of how the pilotage regime is delivered from the options above it will be equally as important to determine how the need for pilotage is governed, this can also be based on a number of potential principles:

4.44.1 Continue with the existing provision - a non regulated third party providing services directly to industry, based primarily on personal experience with little or no regulation

4.44.2 A risk based system of identifying ships that require pilotage – this could involve measures such as tonnage, familiarity of the crew and other considerations

4.44.3 Compulsory – all ships entering Stanley Harbour require a pilot – this may have some criteria and or exemptions such as tonnage / local sailing / tender / fishing vessels.

4.45 There are a series of advantages and disadvantages for all of these options, these have been laid out below:

Details – Status quo – do nothing option	
Advantages: • No cost to FIG	**Disadvantages:** • Continued exposure to risk – 2 incidents in the last 12 months. The last damage to FIPASS resulted in one berth being unusable for some time and emergency repairs exceeded £10k. Structural repairs yet to be estimated.

Details – Risk based approach to Pilotage	
Advantages: • Allows a flexible approach: o Long term experienced users less likely to require pilotage. o New inexperienced ships / crews more likely to need pilots •	**Disadvantages:** • May require extra management – time and experience of Marine Officer to make risk based decisions • Still involves an element of risk, although mostly reduced •

Details – Compulsory Pilotage scheme	
Advantages: • Should involve minimal risk exposure	**Disadvantages:** • Will create a greater demand for local pilots – may not have the capacity to deliver this

4.46 The recommendation from officials for this element is: the development of a Risk based pilotage scheme that is run through a pilots register.

Dredging:

4.47 As part of the work to update and modernise the Maritime Ordinance into one Maritime and Harbours Ordinance, it has been discovered that there is a lack of provision within current legislation for the activity of dredging.

Dredging *is the removal of sediments and debris from the bottom of lakes, rivers, harbours, and other water bodies. Dredging is also performed to reduce the exposure of fish, wildlife, and people to contaminants and to prevent the spread of contaminants to other areas of a water body.*

4.48 This is not provided for in the existing legislation which provides for both depositing at sea and incineration in a way that seems to presuppose the existence of provisions on dredging; quite an anomalous situation that urgently needs attention.

4.49 As dredging is the actual scooping up of material from the seabed, there is need for specific regulation of where, when and by whom this can be done. What immediately comes to mind is a licensing regime, which is another potential income earner for FIG.

4.50 There is however provision within planning legislation for dredging, this requires, by their exclusion from the blanket planning permissions within the General Development Order (i.e. permitted development), the following operations to gain a specific planning permission prior to commencement:

> GENERAL DEVELOPMENT ORDER; Schedule 2, Part 1, Class J
> MARINE WORKS
> (1) The carrying out, within the boundaries of a site owned or controlled by the Crown and used as a port undertaking, of development by the Crown or its agent or appointed contractor required for the purposes of shipping.
> (2) The carrying out by the Crown or its authorized contractor of works on land or in the territorial sea of the Government of the Falkland Islands of works required in connection with the navigation of shipping, but excluding dredging and similar operations.
>
> GENERAL DEVELOPMENT ORDER; Schedule 2, Part 2, CLASS I
> MARINE WORKS
> (1) The construction, improvement and maintenance of piers, jetties and associated buildings, plant and hard standings used primarily for the transportation of agricultural produce or domestic goods or for the recreational use of the resident population.
> (2) The carrying out of works on land or in the territorial sea of the Falkland Islands of works required in connection with the navigation of shipping, but excluding dredging and similar operations.

4.51 The effect of these provisions is that the only form of regulation that presently exists for dredging is the planning system. However, whilst planning provides a mechanism to discuss the strategic approach to land use and the detail of individual process, it is not necessarily intended to control processes. It is noted that marine legislation designates the Governor the licensing authority for licenses for depositing and incinerating (the Food and Environmental Protection Act 1985). This legislation is administered between Law & Regulation, Fisheries and EPD (depending on the nature of the proposal) and controls activities such as the dumping of waste from the Sand Bay Abattoir.

This raises the question whether the planning system is the appropriate mechanism for regulating the operational aspects of dredging, which are so closely related to the Governor-regulated activities of depositing and incinerating.

4.52 Dredging is clearly of vital importance in oil exploration activities and the lack of a legislative framework (complete with a suitable licensing regime) may have already and certainly will continue to cost FIG in lost potential revenue if not addressed.

4.53 The decision therefore needs to be taken on the following:

4.53.1 Whether there are areas in which dredging is to be absolutely prohibited in the interest of more pressing concerns, such as preservation of the marine environment.

4.53.2 How would this be determined

4.53.3 A determination as to which department of government is to be tasked with regulatory responsibility for this area

4.53.4 The design of a licensing regime and the commencement of the issuing of licenses to carry on this activity.

4.53.5 A fee structure around which the licensing regime operates.

4.54 Enforcement capacity regarding any such licensing regime would also have to be considered. This would be challenging for FIG and may require technical assistance from a suitable third party.

4.55 Officers therefore recommend that Honourable Members agree to the inclusion in the Maritime and Harbours Ordinance of provisions on dredging, which address the following issues:

4.55.1 Zoning – the identification through consultation with internal stakeholders in the first instance on where dredging and depositing should and should not be permitted – for example areas of scientific or marine interest, spawning grounds for local fish stocks.

4.55.2 Regulation and enforcement – developing a regulatory framework within which those who wish to dredge and or deposit material are required to operate

4.55.3 Licensing and fee structures – how a licensing system like this will operate and the fees imposed by FIG in order for someone to carry out these activities.

International Convention on the Arrest of Ships 1999

4.56 Under ExCo paper 24/14, advice was given to incorporate the International Convention Relating to the Arrest of Seagoing Ships, which was signed at Brussels on May 10, 1952. The UK is party to this Convention.

4.57 However, there is a more recent Convention on the subject, i.e. the International Convention on Arrest of Ships, 1999. This Convention came into force early in 2012. It does not appear that the UK is party to this Convention.

4.58 One of the distinct differences between the two Conventions is that the 1999 Convention sets out an expanded list of maritime claims for which a ship can be arrested. That Convention contains 6 maritime claims not included in the list in the 1952 Convention and has removed the now obsolete 'bottomry' claim. In this newer convention there are 22 claims, compared with 17 in the 1952 Convention.

4.59 Of particular relevance to the oil industry is the new claim for environmental damage or threat. Given the importance of the seaborne wildlife to the economy of the Falkland Islands, it would seem an extremely pertinent prospect to be able to arrest a ship on account of actual or potential oil spill

4.60 Based on the foregoing, it is highly questionable whether Admiralty jurisdiction based on the list of maritime claims in the 1952 Convention is appropriate for the Falkland Islands presently and for the future. This reality is unaffected by the UK not having seen it fit to date to itself become party to the 1999 Convention. And, as the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* clearly demonstrates, the UK need not itself be party to a Convention in order to be able to extend that Convention to the Falkland Islands.

4.61 It is therefore recommended that ExCo approve the preference for officers to incorporate the International Convention on Arrest of Ships 1999 into the Maritime and Harbours Ordinance and for officials within FIG to approach colleagues in the UK FCO and MCA to discuss whether there are any practical or political objections to the extension of this Convention to the Falkland Islands.

4.62 If this isn't feasible for reasons outside of either FIG or UK Government control or provides an overwhelmingly large obstacle, the legislation will revert to the Convention Relating to the Arrest of Seagoing Ships 1952. Members will be informed accordingly.

Inclusion of International Conventions and Repealing UK legislation to back up position

4.63 Officers ask ExCo to note the list of International Conventions at Appendix 2 to be included at this stage either by incorporating into the Bill, the use of subordinate regulations or the use of additional discrete primary legislation.

4.64 The aim is that the Maritime and Harbours Ordinance will be a framework piece of legislation with provisions that update the international conventions incorporated in the UK by the Merchant Shipping Act 1995. These conventions are:

4.64.1 The International Convention on Salvage 1989

4.64.2 The Convention on the Limitation of Liability for Maritime Claims 1976 ("the LLMC")

4.64.3 The Convention relating to the Carriage of Passengers and their Luggage by Sea ("the Athens Convention")

4.64.4 The International Convention on Load Lines 1966

4.64.5 The Collision Convention 1910

4.65 The Ordinance will contain a broad enough regulation-making power to enable the incorporation of other international conventions by way of regulations.

4.66 Following passage of the Maritime and Harbours Bill, the Law and Regulation Directorate will then turn its attention to drafting legislation to incorporate the conventions that were not included in the Maritime and Harbours Bill. It is proposed to address the more substantial of these first. In order of priority, the first two to be addressed will be MARPOL and SOLAS as they are regarded as two of the four pillars of International maritime law.

4.67 Members are asked to approve at this juncture the progressing of the work in this manner. This will obviate the need to seek approval by way of a discrete paper submitted at a later date.

4.68 It must be said however, many of the international conventions that remain to be incorporated may not in fact be suitable for incorporation by regulations but may instead require discrete primary legislation for effective implementation. That assessment will have to be made on a case-by-case basis and it is too early to definitively identify suitable methods for any of these international conventions.

4.69 In addition to this there is a series of Orders in Council which will have to be revoked in order for the Maritime and Harbours Ordinance to be passed. Since the Orders in Council are directly applied imperial enactments, the Falkland Islands Legislative Assembly is prevented by their continuance in force from updating the law

4.70 FIG officials have approached counterparts in both the Maritime and Coastguard Agency and Department for Transport in the UK to start the process of removing obstacles to the placing of this legislation on the statute book.

4.71 The list of effected orders are:

4.71.1 Food and Environment Protection Act 1985.

4.71.1.1 S.I. No. 1997/1748

4.71.1.2 S.I. No. 1988/1084

4.71.2 The Merchant Shipping Act 1970 (Overseas Territories) Order 1988, S.I. 1988/1086
4.71.3 The Merchant Shipping Act 1979 (Falkland Islands)(Amendment) Order 1981, S.I. 1981/424
4.71.4 The Merchant Shipping Act 1979 (Falkland Islands) Order 1980, S.I. 1980/1513
4.71.5 The Environment Protection (Overseas Territories)(Amendment) Order 1997, S.I. 1997/1748

4.72 While MCA officials have agreed in principle to revoke those impeding instruments, the concern they have expressed is that there is a risk of a regulatory void being created if they proceed with the revocations but local efforts to pass legislation that will replace the revoked instruments lag behind.

4.73 Once the MCA officials are satisfied that suitable legislation has been passed locally to replace the impeding instruments, they have indicated that they will proceed with the revocations. This will reduce the urgency from the UK perspective. We will then be in a better position to assess exactly how to proceed with all the remaining work, which will become similarly urgent if not addressed quickly.

General ongoing principles of policy and legislative development

4.74 Appendix 3 shows a very high level timeline for the development of the legislation and includes the various statutory aspects of the process.

4.75 It is envisaged that the Maritime and Harbours Ordinance will be complete and ready to go on the statute books toward the end of this calendar year, 2015. In order to deliver this timescale, officials request that for the remainder of the drafting phase, they have the authority from ExCo to take any further policy decisions that do not fundamentally shift the ultimate aim of bringing in a piece of legislation that (as laid out above):

4.75.1 Adopts and implements appropriate international regulatory frameworks
4.75.2 Seeks to safeguard and facilitate the national interest

4.76 Officials will present any further policy decisions back to ExCo at the presentation of the Bill for approval in order to ensure ExCo has the most up to date and complete information available when making decisions on the final legislation.

5 Financial Implications

5.1 The development of the legislative framework is currently funded through to completion from internal resources.

5.2 Next steps toward the implementation of the recommended options will have financial implications at the time the legislation is implemented. The funding

implications vary from a potential saving to a potential increase in costs as per below:

Costs	Current	Maritime Authority	Harbour Authority	Joint Maritime & Harbour Authority
Staffing costs	£120,000	£278,000	£120,000	£320,000
FIPASS Management	£485,000	N/A	£485,000	£485,000
Total Staffing	**£605,000**	**£278,000**	**£605,000**	**£805,000**

Separate Maritime & Harbour Authorities (FIPASS Externally managed)	£278,000 + £605,000 = **£883,000**

Preferred option

Notes on the above table:

- Costs are based upon salaries only (including on costs such as pensions etc)
- No provision has been made for additional expenses such as office space, IT etc.
- These cost estimates have been drawn from expected salaries for posts
- Provision has been assessed as the same for an internal part of FIG as for an external body

5.3 The policy recommendation in this paper is that the legislation is drafted to require a Joint Maritime & Harbour. If this recommendation is accepted it will result in the following

	2015/16	**2016/17**	**Annual Recurring**
Current budget	**£605,000**	**£605,000**	**£605,000**
Internal staff costs	£320,000	£320,000	£320,000
FIPASS Mgmt	£485,000	£485,000	£485,000
Budget Anticipated	**£805,000**	**£805,000**	**£805,000**
Operating Budget	£200,000	£200,000	£200,000

5.4 In terms of identifying risks to the successful completion of the set up and transition to the new authority, staffing and ability to appoint people to these roles should be recognised here. Further detail on how this would be implemented will follow in the subsequent Action Plan to develop this policy decision into a fully formed roadmap to the creation and implementation of the Maritime Ordinance

5.5 Given the time anticipated to complete the action plan and resulting legislation it is unlikely that the full cost will be required in 2015/16 and is shown here as

indicative rather than for approval. Following the action plan a more detailed paper including specific post approval will be submitted.

6 Legal Implications

6.1 None outside the issues explored within this paper

7 Human Resources Implications

7.1 None at this stage, the development of the legislative framework is currently resourced through to completion from existing staffing resources.

7.2 Next steps toward the preferred method of implementation may bring additional staffing requirements. This paper is put together to get an initial policy decision on the preferred way forward for the legislation. There will be further considerations for ExCo on how the framework reflected by the Bill will ultimately be carried through including the staffing structures, any additional resources and potential for income and savings to offset these costs.

CHECKLIST FOR FINAL SUBMISSION OF PAPERS TO GO TO

EXECUTIVE COUNCIL

Tick for **YES** Cross for **NO**

Submitted By: Jamie Fotheringham *Paper Number:* _24/15_____

1.	Is this really an Executive Council Matter?	Yes
2.	Is this an Information Paper?	No
3.	Is this a paper for decision? If so, does it have clear recommendations or options?	Yes
4.	Have the following implications been fully considered:	
a)	***Financial*** – Have the financial implications been agreed with Treasury (in the event there are none this must also be stated in the paper)?	Yes
b)	***Legal*** – Has the advice of the Attorney General been sought (in the event there are none this must also be stated in the paper)?	Yes
c)	**Human Resources** – Have these implications been discussed with HR (in the event there are none this must also be stated in the paper)	Yes
d)	***Environmental*** – any environmental implication – has the advice of the Environmental Planning Officer been sought?	Yes
e)	***Planning*** – has the advice of the Environmental Planning Officer been sought?	Yes
f)	***Roads and Services/Building and Construction*** – has the advice of the Director of Public Works been sought?	No
g)	***Land*** – is the development of Crown Land involved – have you referred the matter to the Lands Committee?	No
h)	The impact upon staffing and employment?	Yes
i)	The availability of housing?	Yes
5.	Has this paper been before GMT or the relevant Committee/s?	

(Papers of significance must go before the GMT before referral to EXCO – significant includes: Policy Changes, Supplementary expenditure or an impact on another department)

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INTERNATIONAL MARITIME ORGANIZATION

ASSEMBLY
28th session
Agenda item 10

A 28/Res.1070
10 December 2013
Original: ENGLISH

Resolution A.1070(28)

Adopted on 4 December 2013
(Agenda item 10)

IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, through resolution A.1018(26), it approved the time frame and schedule of activities for the consideration and introduction of an institutionalized IMO Member State Audit Scheme,

RECALLING ALSO that, by resolution A.1054(27), it adopted the *Code for the Implementation of Mandatory IMO Instruments, 2011*, which provides guidance for the implementation and enforcement of IMO instruments and forms the basis of the Voluntary IMO Member State Audit Scheme, in particular concerning the identification of the auditable areas,

BEING AWARE of the request of the seventh session of the United Nations Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, inter alia, upon all States:

(a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;

(b) implementing and enforcing such instruments fully and effectively; and

(c) reporting to the Organization, as required,

BEING DESIROUS to further assist Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments to which they are party,

CONSCIOUS of the difficulties some Member States may face in complying fully with all the provisions of the various IMO instruments to which they are party,

MINDFUL of the need for any such difficulties to be eliminated to the extent possible; and recalling that the Organization has established an Integrated Technical Cooperation Programme for that reason and purpose,

NOTING FURTHER that the Maritime Safety Committee and the Marine Environment Protection Committee have developed requirements for adoption by Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, the Protocol of 1988 relating to the International Convention on Load Lines, 1966, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the International Convention on Standards of Training, Certification and Watchkeeping, 1978, respectively, which will make the use of the Code referred to in operative paragraph 1 mandatory,

RECALLING FURTHER its consideration of requirements for adoption by Contracting Governments to the International Convention on Load Lines, 1966, the International Convention on Tonnage Measurement of Ships, 1969 and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, which will also make the use of the Code referred to in operative paragraph 1 mandatory,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee, at its sixty-fourth session, and the Maritime Safety Committee, at its ninety-first session,

1 ADOPTS the IMO Instruments Implementation Code (III Code), set out in the annex to the present resolution;

2 REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly; and

3 REVOKES resolution A.1054(27) on the *Code for the Implementation of Mandatory IMO Instruments, 2011*.

Annex

IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

Table of Contents

PART 1 – COMMON AREAS

Objective

1 The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.

2 Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.

Strategy

3 In order to meet the objective of this Code, a State is recommended to:

.1 develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;

.2 establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and

.3 continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

General

4 Under the general provisions of treaty law and of IMO conventions, States should be responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment.

5 In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Scope

6 The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:

.1 safety of life at sea;

.2 prevention of pollution from ships;

.3 standards of training, certification and watchkeeping for seafarers;

.4 load lines;

.5 tonnage measurement of ships; and

.6 regulations for preventing collisions at sea.

7 The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of those obligations and responsibilities by the State:

.1 jurisdiction;

.2 organization and authority;

.3 legislation, rules and regulations;

.4 promulgation of the applicable international mandatory instruments, rules and regulations;

.5 enforcement arrangements;

.6 control, survey, inspection, audit, verification, approval and certification functions;

.7 selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;

.8 investigations required to be reported to the Organization; and

.9 reporting to the Organization and other Administrations.

Initial actions

8 When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:

.1 the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;

.2 a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and

.3 the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.

Communication of information

9 The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.

Records

10 Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.

Improvement

11 States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.

12 The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:

.1 continual training programmes relating to safety and pollution prevention;

.2 regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and

.3 using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention.

13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:

.1 review and analysis of non-conformities;

.2 implementation of necessary corrective action; and

.3 review of the corrective action taken.

14 The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.

PART 2 – FLAG STATES

Implementation

15 In order to effectively discharge their responsibilities and obligations, flag States should:

.1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and

.2 assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.

16 A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:

.1 administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;

.2 compliance with the requirements of the applicable international instruments, using an audit and inspection programme, independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;

.3 compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:

.1 training, assessment of competence and certification of seafarers;

.2 certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical to those used in any safe manning document issued to the ship;

.3 impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;

.4 arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; and

.5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;

.4 the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies; and

.5 the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.

17 A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organization.

Delegation of authority

18 With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:

.1 determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization[1];

.2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization[2], or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration[3];

.3 issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;

.4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and

.5 require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.

19 No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.

1 Appendix 1 of the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)).

2 Appendix 2 of the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)).

3 MSC/Circ.710-MEPC/Circ.307.

20 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:

.1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;

.2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and

.3 providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.

21 A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18, in particular subparagraphs .3 and .4.

Enforcement

22 A flag State should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its international obligations. Such measures should include, inter alia:

.1 prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;

.2 the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;

.3 the surveyor to ensure, during the periodic inspection referred to in subparagraph .2, that seafarers assigned to the ships are familiar with:

.1 their specific duties; and

.2 ship arrangements, installations, equipment and procedures;

.4 ensuring that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;

.5 providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;

.6 instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;

.7 providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under its authority; and

.8 instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.

23 A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:

.1 provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;

.2 provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and

.3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

24 Furthermore, the flag State should:

.1 ensure compliance with the applicable international instruments through national legislation;

.2 provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 15.1, including personnel for performing investigations and surveys;

.3 provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;

.4 provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and

.5 ensure the training and oversight of the activities of flag State surveyors and investigators.

25 When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.

26 A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.

27 A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.

Flag State surveyors

28 The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

29 Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:

.1 appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or

.2 a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; or

.3 accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 29.1, 29.2 and 32.

30 Personnel qualified under paragraph 29.1 should have served for a period of not less than three years at sea as an officer in the deck or engine department.

31 Personnel qualified under paragraph 29.2 should have worked in a relevant capacity for at least three years.

32 In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.

33 Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.

34 Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.

35 The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.

36 Depending on the function(s) to be performed, the qualifications should encompass:

.1 knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;

.2 knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;

.3 understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;

.4 understanding of the processes both on board and ashore, internal as well as external;

.5 possession of professional competency necessary to perform the given tasks effectively and efficiently;

.6 full safety awareness in all circumstances, also for one's own safety; and

.7 training or experience in the various tasks to be performed and preferably also in the functions to be assessed.

37 The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.

Flag State investigations

38 Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

39 The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:

.1 navigation and the Collision Regulations;

.2 flag State regulations on certificates of competency;

.3 causes of marine pollution;

.4 interviewing techniques;

.5 evidence gathering; and

.6 evaluation of the effects of the human element.

40 It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.

41 Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization[4]. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to above.

Evaluation and review

42 A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.

43 Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.

44 Areas recommended for regular review may include, inter alia:

.1 fleet loss and accident ratios to identify trends over selected time periods;

.2 the number of verified cases of detained ships in relation to the size of the fleet;

.3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;

.4 responses to port State deficiency reports or interventions;

.5 investigations into very serious and serious casualties and lessons learned from them;

.6 technical and other resources committed;

.7 results of inspections, surveys and controls of the ships in the fleet;

.8 investigation of occupational accidents;

.9 the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and

.10 the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.

[4] Refer to the mandatory *Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)*, adopted by the Organization by resolution MSC.255(84) and the *Guidelines to assist investigators in the implementation of the Casualty Investigation Code*, adopted by the Organization by resolution A.1075(28).

PART 3 – COASTAL STATES[5]

Implementation

45 Coastal States have certain rights and obligations under various international instruments. When exercising their rights under those instruments coastal States incur additional obligations.

46 In order to effectively meet its obligations, a coastal State should:

.1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and

.2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

47 A coastal State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

48 Those rights, obligations and responsibilities may include, inter alia:

.1 radiocommunication services;

.2 meteorological services and warnings;

.3 search and rescue services;

.4 hydrographic services;

.5 ships' routeing;

.6 ship reporting systems;

.7 vessel traffic services; and

.8 aids to navigation.

Enforcement

49 Coastal States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

50 A coastal State should consider, develop and implement a control and monitoring programme, as appropriate, in order to:

.1 provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas;

[5] The requirements contained in this section should apply to the extent that ships, subject to IMO mandatory instruments, can access the ports of the Contracting Government.

.2 establish mechanisms for timely response to pollution incidents in its waters; and

.3 cooperate with flag States and/or port States, as appropriate, in investigations of maritime casualties.

Evaluation and review

51 A coastal State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments.

PART 4 – PORT STATES[6]

Implementation

52 Port States have certain rights and obligations under various international instruments. When exercising their rights under those instruments, port States incur additional obligations.

53 Port States can play an integral role in the achievement of maritime safety and environmental protection, including pollution prevention. The role and responsibilities of the port State with respect to maritime safety and environmental protection is derived from a combination of international treaties, conventions and national laws as well as, in some instances, from bilateral and multilateral agreements.

54 In order to effectively meet its obligations, a port State should:

.1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and

.2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

55 A port State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

56 Those rights, obligations and responsibilities may include, inter alia:

.1 provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;

.2 port State control[7]; and

.3 keeping a register of fuel oil suppliers.

[6] The requirements contained in this section should apply to the extent that ships, subject to IMO mandatory instruments, can access the ports of the Contracting Government.

[7] Refer to the *Procedures for Port State Control, 2011* (resolution A.1052(27)).

Enforcement

57 Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

58 Several international maritime instruments on safety and maritime pollution prevention contain specific provisions that permit port State control.

59 Also, a number of those instruments obligate port States to treat non-parties to those conventions no more favourably than those that are parties. This means that port States should impose the conditions of those instruments on parties, as well as on non-parties.

60 When exercising its right to carry out port State control, a port State should establish processes to administer a port State control programme consistent with the relevant resolution adopted by the Organization[7].

61 Port State control should be carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization.

62 Port State control officers and persons assisting them should be free from any commercial, financial, and other pressures and have no commercial interest, either in the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere, nor should the port State control officers be employed by or undertake work on behalf of recognized organizations or classification societies. Further procedures should be implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection and control carried out.

Evaluation and review

63 A port State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization.

Annex B

Table of International maritime Treaties and Conventions extended to the Falkland Islands

Convention Name	Date of Extension
SOLAS 1974	30-Jan-04
▪ **SOLAS Protocol 1988**	30-Jan-04
COLREG 1972	15-Jul-77
MARPOL 1978	
▪ **Annex I**	14-Nov-95
▪ **Annex II**	14-Nov-95
▪ **Annex III**	14-Nov-95
▪ **Annex V**	14-Nov-95
LOAD LINE 1966	19-May-04
▪ **Load Line Protocol 1988**	19-May-04
TONNAGE 1969	16-Jun-95
INTERVENTION 1969	08-Sep-82
• **Intervention Protocol 1972**	30-Mar-83
CLC Protocol 1992	30-May-96
FUND Protocol 1992	30-May-96
PAL 1974	28-Apr-97
▪ **PAL Protocol 1976**	30-Apr-89
LLMC 1976	01-Dec-86
SALVAGE 1989	30-May-97
LC 1972	17-Nov-75
▪ **LC 1978 Amendments**	21-Mar-80
▪ **LC Protocol 1996**	15-Dec-98
UNCLOS	25-Jul-97

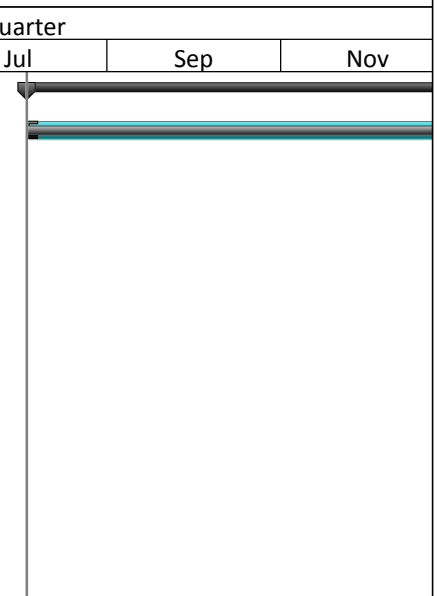
A full listing and glossary of the International Maritime Conventions can be located on the IMO website at the following address:

http://www.imo.org/About/Conventions/ListOfConventions/Pages/Default.aspx

The list of International Conventions to be included in the project; either by incorporating into the Bill, the use of subordinate regulations or the use of additional discrete primary legislation:

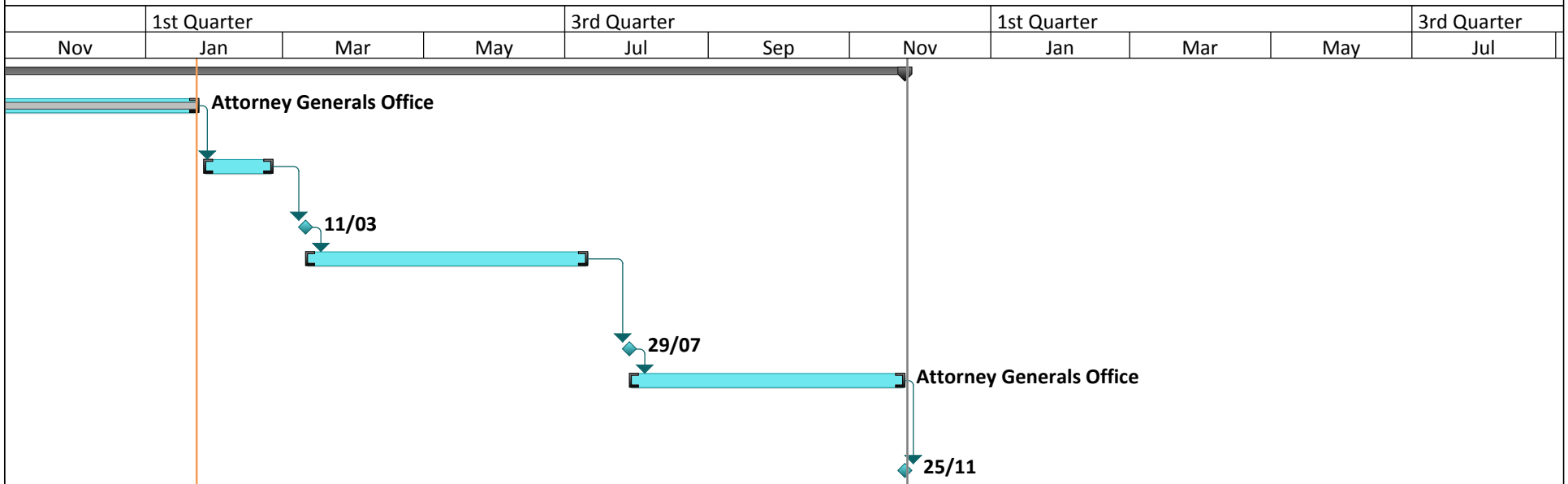
Convention	Convention Name	Entry into Force
SOLAS	Protocol 1988 International Convention for the Safety of Life at Sea	30 Jan 04
ColRegs 1972	Convention on the International Regulations for Preventing Collisions at Sea	15 July 77
MARPOL 1978 Annex I	International Convention for the Prevention of Pollution from Ships (Oil)	14 Nov 95
MARPOL 1978 Annex II	International Convention for the Prevention of Pollution from Ships (Noxious Liquids)	14 Nov 95
MARPOL 1978 Annex III	International Convention for the Prevention of Pollution from Ships (Marine Pollutants under IMDG)	14 Nov 95
MARPOL 1978 Annex V	International Convention for the Prevention of Pollution from Ships (Garbage)	14 Nov 95
LL 1966	International Convention on Load Lines 1966	19 May 04
	Load Line Protocol 1988	19 May 04
Tonnage 1969	International Convention on Tonnage Measurement of Ships	16 June 95
Intervention 1969	International Convention relating to intervention on the high seas in cases of oil pollution casualties Intervention 1969	08 Sept 82
	Intervention Protocol 1973	30 March 83
CLC Protocol 92	International Convention on Civil Liability for Oil Pollution Damage CLC Protocol 1992	30 May 96
Fund Protocol 1992	International Fund for Compensation for Oil Pollution Damage Fund Protocol 1992	30 May 96
PAL / Athens 1974	Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974	28 April 89
LLMC 1976	Convention on Limitation of Liability for Maritime Claims	01 Dec 86
Salvage 1989	International Convention on Salvage	30 May 97
LC 1972	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	17 Nov 75
	LC 1978 Amendments	21 March 80
	LC Protocol 1996	24 March 06

ID	Task Mo	Task Name	Duration	Start	Finish
1		**Marine - Drafting of Legislation**	**342 days**	**Mon 04/08/14**	**Wed 25/11/15**
2		Early Drafting of Legislation	125 days	Mon 04/08/14	Fri 23/01/15
3		Produces ExCo paper - additional policy considerations	22 days	Mon 26/01/15	Tue 24/02/15
4		ExCo Decision	0 days	Wed 11/03/15	Wed 11/03/15
5		Incoporation of ExCo policy decisions and Preparation of Bill for presentation to ExCo (12 - 16 weeks)	88 days	Wed 11/03/15	Fri 10/07/15
6		Bill presented to ExCo for approval	0 days	Wed 29/07/15	Wed 29/07/15
7		Public Consultation and post consultation drafting (12 - 16 weeks)	85 days	Wed 29/07/15	Tue 24/11/15
8		Final Approval	0 days	Wed 25/11/15	Wed 25/11/15



Project: Basic Project
Date: Fri 23/01/15

Task	External Milestone	Manual Summary Rollup
Split	Inactive Task	Manual Summary
Milestone	Inactive Milestone	Start-only
Summary	Inactive Summary	Finish-only
Project Summary	Manual Task	Deadline
External Tasks	Duration-only	Progress



Project: Basic Project
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Task		External Milestone		Manual Summary Rollup	
Split		Inactive Task		Manual Summary	
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External Tasks		Duration-only		Progress	